



The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

January 31, 2006

The Honorable David P. Currier, Chairman  
Resources, Recreation, and Development Committee  
Room 305, LOB  
Concord, NH 03301

**RE: House Bill 1609-FN An Act Requiring an Impact Study Before a Large Groundwater  
Withdrawal Permit may be Issued**

Dear Representative Currier:

Thank you for the opportunity to comment on HB 1603. This bill would require an applicant for a large groundwater withdrawal permit to complete an impact study on how the proposed withdrawal effects future public water needs identified in municipal master plans. The Department of Environmental Services (DES) believes that the intent of this bill is to ensure that legitimate future municipal water needs as identified in municipal master plans are protected when a large groundwater permit is issued. Although we have concerns with some of the specific language in the bill, DES supports the intent because it is consistent with current practices and may encourage local water resource planning.

In 1998, RSA 485-C and RSA 485 were amended to require that new large groundwater withdrawals (withdrawals exceeding 57,600 gallons over any 24-hour period) obtain a permit from DES. The 1998 law required DES to adopt regulations for permitting new large groundwater withdrawals that ensure these withdrawals are operated efficiently and do not adversely impact other water users or water resources. DES adopted the large groundwater withdrawal permitting regulations in 2001 after working closely with an advisory stakeholder group over a number of years. The regulatory structure that these put in place for large groundwater withdrawal permitting is among the most comprehensive in the country.

HB 1609 directs the applicant to assess and the DES to consider the impact a large groundwater withdrawal will have on future public water needs that are identified in the Water Resources portion of a Municipal Master Plan. Currently, legitimate information from any source concerning municipal water needs is considered by the DES if it is raised as a concern during a public hearing or public comment period specified by law. Accordingly, the DES in no way objects to this requirement being explicitly stated and believes it may, in fact, provide incentive for more in-depth technically based water resource planning at the local level. It is important, however, that the language be carefully crafted to ensure the following:

1. The applicant should assess impact, then DES should consider that assessment when making permitting decisions only in those municipalities that DES identifies as being potentially impacted by the permit. The current language allows any municipality to assert that it is affected which could require expending significant resources on gathering and evaluating irrelevant information.
2. The DES's role in large groundwater withdrawal permitting is to be an objective third party that makes decisions based on sound science and technical interpretation. The DES should consider but not be bound by the language in a Municipal Master Plan. Currently, water resource plans vary widely in the level of technical expertise of their authors. Unless the DES is able to

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determine the legitimacy of the stated water need in a community the potential exists that a community could inflate their need to thwart large groundwater withdrawals that would otherwise be permitted.

In conclusion, DES supports the intent of this bill and believes it reinforces the current practice of protecting legitimate municipal water needs. We also are supportive of the intent of HB 1609 because it may provide incentive for more in-depth, technically based water resource planning at the local level.

Thank you again for the opportunity to comment on this legislation. If you have any questions or need additional information, please do not hesitate to call Sarah Pillsbury at 271-1168 or me at 271-3449.

Sincerely,



Michael P. Nolin  
Commissioner

cc: Representative Cilley  
Representative Wall  
Representative Phinizy  
Representative Cataldo  
Representative Spang  
Senator Hassan  
Senator Estabrook  
Senator Johnson